



**OGILVY  
RENAULT**

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OFFICE OF PETITIONS

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kdaniels@ogilvyrenault.com

Ottawa, November 12, 2003

**Mail Stop Petitions**

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
U.S.A.

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DEC 10 2003

Technology Center 2600

Attention: Initial Patent Examination Division

Dear Sir:

**RE: United States Patent Application No. 09/735,939**  
**Filed: December 14, 2000**  
**Title: DYNAMIC VIRTUAL PRIVATE NETWORK (VPN) TUNNEL**  
**QUALITY OF SERVICE (QoS) TREATMENT**  
**Applicant: Stephane Roch, et al.**  
**Assignee: Nortel Networks Limited**  
**Our Ref.: 9-13528-111US**

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We are in receipt of the Notice of Abandonment under 37 C.F.R. 1.53 (f) or (g) in respect of the above-noted matter. A copy of the Notice of Abandonment is enclosed for ease of reference.

According to the Notice of Abandonment, the above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts mailed on February 8, 2001. However, the Applicant has never received a Notice to File Missing Parts in respect of this matter.

In fact, a Notice to File Corrected Application Papers mailed on February 8, 2001, was received by the Applicant and a response to this notice was filed by facsimile on March 30, 2001. A copy of the Notice to File Corrected Application Papers, and the Applicant's response thereto is also enclosed. Accordingly, it is respectfully submitted that the Applicant has timely and properly responded to every requirement issued by the United States Patent and Trademark Office in respect of the above-noted matter. Applicant therefore believes that the above-referenced Notice of Abandonment was issued in error and should therefore be withdrawn.

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**Barristers & Solicitors**  
**Patent & Trade-mark Agents**

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Suite 1600  
Montréal, Quebec  
Canada H3A 2Y3

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Continuing the practices of  
**Meighen Demers**  
**Ogilvy Renault**  
**Swabey Ogilvy Renault**

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Prompt confirmation by the Office that the Notice of Abandonment has, in fact, been withdrawn and that the application is now in good standing is courteously requested.

Yours very truly,

A handwritten signature in black ink, appearing to read "K. Daniels". The signature is fluid and cursive, with the first name "K." and the last name "Daniels" clearly distinguishable.

Kent Daniels, P. Eng.  
Patent Agent

KD/nt



UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/735,939	12/14/2000	Stephane S. Roch	9-13528-111US KD/bm

CONFIRMATION NO. 8077

ABANDONMENT/TERMINATION  
 LETTER



\*OC000000011123976\*

020988  
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 1981 MCGILL COLLEGE AVENUE  
 SUITE 1600  
 MONTREAL, QC H3A2Y3  
 CANADA

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Date Mailed: 10/28/2003

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

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The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 02/08/2001.

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- No reply was received.

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A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

\* \* \* TRANSMISSION RESULT REPORT ( MAR.30.2001 12:51PM ) \* \* \*

TTI SWABEY OGILVY RENAULT

DATE	TIME	ADDRESS	MODE	TIME	PAGE RESULT	FILE
MAR.30.	12:50PM	2600 CSO	TES	1'20"	P. 5 OK	921

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\* \* \* T C R ( MAR.30.2001 12:52PM ) \* \* \*

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	2:57PM	9782886543	TES	0'43"	P. 2	OK	910
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	4:46PM	8642337342	TES	0'32"	P. 1	OK	913
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MAR.28.	12:31PM	6123407900	RES	0'43"	P. 2	OK	887
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	2:34PM	613-238-4747	RED	1'07"	P. 2	OK	892
	3:45PM	+216 479 8780	RES	1'22"	P. 5	OK	896
	3:52PM	703 205 8050	RES	0'36"	P. 1	OK	897
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TX 029679

RX 017389

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• Total no. of pages  
(including cover sheet):

5

**SWABEY  
OGILVY RENAULT  
PATENT  
AND TRADE MARK AGENTS**

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Ottawa, Ontario, Canada K1P 1A4  
☎ (613) 230-6072

Bureau 1700, 45, Rue O'Connor  
Ottawa, Ontario, Canada K1P 1A4  
☎ (613) 230-6072

• Date: March 30, 2001  
• From: Kent Daniels  
• Fax No.: (613) 230-6706  
• Our File No.:  
• Notre dossier: 9-13528-111US

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**TELECOPIER MESSAGE TRANSMITTAL  
TRANSMISSION DE DÉPÊCHES PAR TÉLÉCOPIEUR**

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• To: Name: Docketing Dept. - Art Unit: 2661  
Firm: United States Patent Office  
City: Washington, DC , USA  
Fax No: (703) 308-9051(2)

\$ 3.00  
2 min  
5 pgs

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• Message: Re: Serial No. 09/735,939  
Filed: December 14, 2000  
Title: DYNAMIC VIRTUAL PRIVATE NETWORK (VPN) TUNNEL  
QUALITY OF SERVICE (QoS) TREATMENT  
Response to *Notice to File Corrected Application Papers* dated February 8, 2001  
attached.

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